



# House of Representatives

General Assembly

**File No. 259**

February Session, 2018

House Bill No. 5456

*House of Representatives, April 5, 2018*

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL AND THE LANGUAGE OF PROPERTY OWNER NOTICES FOR CERTAIN FACILITY APPLICATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) There is established a "Connecticut Siting Council", hereinafter  
4 referred to as the "council", which shall be within the Department of  
5 Energy and Environmental Protection for administrative purposes  
6 only.

7 (b) Except for proceedings under chapter 445, this subsection and  
8 subsection (c) of this section, the council shall consist of: (1) The  
9 Commissioner of Energy and Environmental Protection, or his  
10 designee; (2) the chairperson of the Public Utilities Regulatory  
11 Authority, or the chairperson's designee; (3) one designee of the  
12 speaker of the House and one designee of the president pro tempore of

13 the Senate; and (4) five members of the public, to be appointed by the  
14 Governor, at least two of whom shall be experienced in the field of  
15 ecology, and not more than one of whom shall have affiliation, past or  
16 present, with any utility or governmental utility regulatory agency, or  
17 with any person owning, operating, controlling, or presently  
18 contracting with respect to a facility, a hazardous waste facility, as  
19 defined in section 22a-115, or an ash residue disposal area.

20 (c) For proceedings under chapter 445, subsection (b) of this section  
21 and this subsection, the council shall consist of (1) the Commissioners  
22 of Public Health and Emergency Services and Public Protection or their  
23 designated representatives; (2) the designees of the speaker of the  
24 House of Representatives and the president pro tempore of the Senate  
25 as provided in subsection (b) of this section; (3) the five members of the  
26 public as provided in subsection (b) of this section; and (4) four ad hoc  
27 members, three of whom shall be electors from the municipality in  
28 which the proposed facility is to be located and one of whom shall be  
29 an elector from a neighboring municipality likely to be most affected  
30 by the proposed facility. The municipality most affected by the  
31 proposed facility shall be determined by the permanent members of  
32 the council. If any one of the five members of the public or of the  
33 designees of the speaker of the House of Representatives or the  
34 president pro tempore of the Senate resides (A) in the municipality in  
35 which a hazardous waste facility is proposed to be located for a  
36 proceeding concerning a hazardous waste facility or in which a low-  
37 level radioactive waste facility is proposed to be located for a  
38 proceeding concerning a low-level radioactive waste facility, or (B) in  
39 the neighboring municipality likely to be most affected by the  
40 proposed facility, the appointing authority shall appoint a substitute  
41 member for the proceedings on such proposal. If any appointee is  
42 unable to perform his duties on the council due to illness, or has a  
43 substantial financial or employment interest which is in conflict with  
44 the proper discharge of his duties under this chapter, the appointing  
45 authority shall appoint a substitute member for proceedings on such  
46 proposal. An appointee shall report any substantial financial or  
47 employment interest which might conflict with the proper discharge of

48 his duties under this chapter to the appointing authority who shall  
49 determine if such conflict exists. If any state agency is the applicant, an  
50 appointee shall not be deemed to have a substantial employment  
51 conflict of interest because of employment with the state unless such  
52 appointee is directly employed by the state agency making the  
53 application. Ad hoc members shall be appointed by the chief elected  
54 official of the municipality they represent and shall continue their  
55 membership until the council issues a letter of completion of the  
56 development and management plan to the applicant.

57 (d) For proceedings involving any electric distribution company, in  
58 addition to the membership provided for in subsection (b) of this  
59 section, the council shall consist of one elector from each municipality  
60 in which such facility is proposed to be located. Each such member  
61 shall serve as a nonvoting member for purposes of such proceeding.

62 ~~[(d)]~~ (e) The chairman of the council shall be appointed by the  
63 Governor from among the five public members appointed by him,  
64 with the advice and consent of the House or Senate, and shall serve as  
65 chairman at the pleasure of the Governor.

66 ~~[(e)]~~ (f) The public members of the council, including the chairman,  
67 the members appointed by the speaker of the House and president pro  
68 tempore of the Senate and the four ad hoc members specified in  
69 subsection (c) of this section, shall be compensated for their attendance  
70 at public hearings, executive sessions, or other council business as may  
71 require their attendance at the rate of two hundred dollars, provided in  
72 no case shall the daily compensation exceed two hundred dollars.

73 ~~[(f)]~~ (g) The council shall, in addition to its other duties prescribed in  
74 this chapter, adopt, amend, or rescind suitable regulations to carry out  
75 the provisions of this chapter and the policies and practices of the  
76 council in connection therewith, and appoint and prescribe the duties  
77 of such staff as may be necessary to carry out the provisions of this  
78 chapter. The chairman of the council, with the consent of five or more  
79 other members of the council, may appoint an executive director, who  
80 shall be the chief administrative officer of the Connecticut Siting

81 Council. The executive director shall be exempt from classified service.

82 [(g)] (h) Prior to commencing any hearing pursuant to section 16-  
83 50m, the council shall consult with and solicit written comments from  
84 (1) the Department of Energy and Environmental Protection, the  
85 Department of Public Health, the Council on Environmental Quality,  
86 the Department of Agriculture, the Public Utilities Regulatory  
87 Authority, the Office of Policy and Management, the Department of  
88 Economic and Community Development and the Department of  
89 Transportation, and (2) in a hearing pursuant to section 16-50m, for a  
90 facility described in subdivision (3) of subsection (a) of section 16-50i,  
91 the Department of Emergency Services and Public Protection, the  
92 Department of Consumer Protection, the Department of  
93 Administrative Services and the Labor Department. Copies of such  
94 comments shall be made available to all parties prior to the  
95 commencement of the hearing. Subsequent to the commencement of  
96 the hearing, said departments and council may file additional written  
97 comments with the council within such period of time as the council  
98 designates. All such written comments shall be made part of the record  
99 provided by section 16-50o. Said departments and council shall not  
100 enter any contract or agreement with any party to the proceedings or  
101 hearings described in this section or section 16-50p that requires said  
102 departments or council to withhold or retract comments, refrain from  
103 participating in or withdraw from said proceedings or hearings.

104 Sec. 2. Subsection (b) of section 16-50l of the general statutes is  
105 repealed and the following is substituted in lieu thereof (*Effective*  
106 *October 1, 2018*):

107 (b) Each application shall be accompanied by proof of service of a  
108 copy of such application on: (1) Each municipality in which any  
109 portion of such facility is to be located, both as primarily proposed and  
110 in the alternative locations listed, and any adjoining municipality  
111 having a boundary not more than two thousand five hundred feet  
112 from such facility, which copy shall be served on the chief executive  
113 officer of each such municipality and shall include notice of the date on

114 or about which the application is to be filed, and the zoning  
115 commissions, planning commissions, planning and zoning  
116 commissions, conservation commissions and inland wetlands agencies  
117 of each such municipality, and the regional councils of governments  
118 which encompass each such municipality; (2) the Attorney General; (3)  
119 each member of the legislature in whose assembly or senate district the  
120 facility or any alternative location listed in the application is to be  
121 located; (4) any agency, department or instrumentality of the federal  
122 government that has jurisdiction, whether concurrent with the state or  
123 otherwise, over any matter that would be affected by such facility; (5)  
124 each state department, agency and commission named in subsection  
125 (h) of section 16-50j, as amended by this act; and (6) such other state  
126 and municipal bodies as the council may by regulation designate. A  
127 notice of such application shall be given to the general public, in  
128 municipalities entitled to receive notice under subdivision (1) of this  
129 subsection, by the publication of a summary of such application and  
130 the date on or about which it will be filed. Such notice shall be  
131 published under the regulations to be promulgated by the council, in  
132 such form and in such newspapers as will serve substantially to inform  
133 the public of such application and to afford interested persons  
134 sufficient time to prepare for and to be heard at the hearing prescribed  
135 in section 16-50m. Such notice shall be published in not less than ten-  
136 point type. A notice of such an application for a certificate for a facility  
137 described in subdivision (3), (4), (5) or (6) of subsection (a) of section  
138 16-50i shall also be sent, by certified or registered mail, to each person  
139 appearing of record as an owner of property which abuts the proposed  
140 primary or alternative sites on which the facility would be located.  
141 Such notice shall be sent at the same time that notice of such  
142 application is given to the general public. Notice of an application for a  
143 certificate for a facility described in subdivision (1) of subsection (a) of  
144 section 16-50i shall also be provided to each electric distribution  
145 company customer in the municipality where the facility is proposed  
146 to be placed. Such notice shall (A) be provided on a separate enclosure  
147 with each customer's monthly bill for one or more months, (B) be  
148 provided by the electric distribution company not earlier than sixty

149 days prior to filing the application with the council, but not later than  
150 the date that the application is filed with the council, and (C) include:  
151 A brief description of the project, including its location relative to the  
152 affected municipality and adjacent streets; a brief technical description  
153 of the project including its proposed length, voltage, and type and  
154 range of heights of support structures or underground configuration;  
155 the reason for the project; the address and a toll-free telephone number  
156 of the applicant by which additional information about the project can  
157 be obtained; and a statement in print no smaller than twenty-four-  
158 point type size stating "NOTICE OF PROPOSED CONSTRUCTION OF  
159 A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE". Any notice  
160 provided pursuant to this subsection to any person appearing of  
161 record as an owner of property which abuts the proposed primary or  
162 alternative site on which the facility would be located shall be written  
163 in layman's terms.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	16-50j
Sec. 2	October 1, 2018	16-50l(b)

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill has no fiscal impact. It requires, for any Connecticut Siting Council proceeding involving an electric distribution company, the council membership to include an elector of the municipality where a facility is being proposed. It also requires council proceeding notices provided to certain property owners to be written in "layman's terms."

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5456****AN ACT CONCERNING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL AND THE LANGUAGE OF PROPERTY OWNER NOTICES FOR CERTAIN FACILITY APPLICATIONS.****SUMMARY**

This bill requires, for any Connecticut Siting Council proceeding involving an electric distribution company (EDC, i.e., Eversource or United Illuminating), the council membership to include an elector of the municipality where a facility is being proposed. The elector must serve as a nonvoting member for purposes of the proceeding. (The bill does not indicate who appoints the elector.)

The bill also requires council proceeding notices provided to certain property owners to be written in “layman’s terms.” This applies to notices sent to an owner of property that abuts a proposed primary or alternative site on which a certain type of facility would be located when the council has received an application for a certificate of environmental compatibility and public need.

EFFECTIVE DATE: October 1, 2018

**SITING COUNCIL MEMBERSHIP**

This bill requires, for any Siting Council proceeding involving an EDC, the council membership to include, as a nonvoting member, an elector of the municipality where a facility is being proposed.

Under current law, the membership consists of the following:

1. the energy and environmental protection commissioner or his designee;



2. the Public Utilities Regulatory Authority chairperson or her designee;
3. one designee of the House speaker;
4. one designee of the Senate president pro tempore; and
5. five members of the public appointed by the governor.

At least two of the public members must have experience in ecology, and no more than one may have any affiliation, past or present, with a utility; a utility regulatory agency; or a person owning, operating, controlling, or contracting with a facility, a hazardous waste facility, or ash residue disposal area.

By law, public members of the council must be compensated for their attendance at public hearings, executive sessions, or other council business at the rate of \$200, up to \$250 per day.

#### **NOTICE OF CERTIFICATE APPLICATION**

The bill requires council proceeding notices sent to certain abutting landowners to be written in layman's terms. This applies when a notice is sent to a landowner who abuts a proposed primary or alternative site on which a certain type of facility is proposed to be located. In this case, a facility means the following:

1. electric generating plants and storage facilities excluding generators and co-generation or renewable resource plants owned by private power producers;
2. electric substations and switchyards used to regulate or change electricity at or to 69 kilovolts or more, or that connect at least two circuits at that voltage, and other facilities as the council may prescribe;
3. community antenna television towers and associated equipment; and

4. telecommunication towers owned by the state, a public utility, or a certified telecommunications provider or used in a cellular system.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea    30    Nay   0    (03/22/2018)